

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 MAR 28 AM 9:41

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan RODRIGUEZ-Rodriguez,

Defendant.

'08 MJ 0950  
Magistrate Case No. \_\_\_\_\_

CLERK OF COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY KMA DEPUTY


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 26, 2008**, within the Southern District of California, defendant **Juan RODRIGUEZ-Rodriguez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gloria VAZQUEZ-Duran**, **Naraly SOLIS-Candelaria**, and **Octavio LUGO-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF  
**March**, 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

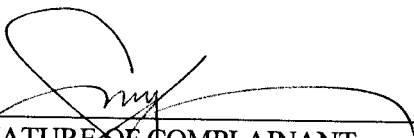
The complainant states that **Gloria VAZQUEZ-Duran, Naraly SOLIS-Candelaria, and Octavio LUGO-Garcia** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoenas; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.


On March 26, 2008, at approximately 2235 hours, **Juan RODRIGUEZ-Rodriguez (Defendant)**, made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a silver 1999 Ford Taurus. A Customs and Border Protection (CBP) Officer received a negative declaration from the defendant who presented a Permanent Resident Card (I-551) bearing the name Alejandro Rincon Jimenez. The CBP Officer asked the Defendant what was in the trunk and the Defendant stated he had nothing. The CBP Officer instructed the Defendant to open the trunk and discovered four persons concealed within. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, the four persons concealed in the trunk were removed and determined to be citizens of Mexico without legal documents to enter the United States. Three were retained as Material Witnesses and are now identified as: **Gloria VAZQUEZ-Duran (MW1), Naraly SOLIS-Candelaria (MW2), and Octavio LUGO-Garcia (MW3)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge of the concealed aliens in the trunk of the vehicle. Defendant admitted he was going to receive a waiver of a \$2,500.00 USD fee in exchange for the smuggling act. Defendant admitted he was going to Los Angeles, California to seek employment.

On separate videotaped interviews, Material Witnesses admitted they are citizens of Mexico without legal rights to enter the United States. MW1 stated she was going to pay \$2000.00 USD to be smuggled into the United States and was en route to San Ysidro, California to go sight seeing. MW2 stated her aunt made the arrangements and agreed to pay between \$2,500.00 and \$3,000.00 USD for her to be smuggled into the United States. MW2 she was en route to visit her aunt in Wittier, California. MW3 stated that he was going to pay approximately \$2,500.00 USD to be smuggled into the United States and was en route to California.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

  
UNITED STATES MAGISTRATE JUDGE  
3/28/08, 0931 hrs